

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.213 OF 2016**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr.Satyajeet Rajeshirke, Advocate for Applicants.
	CORAM : R.G.KETKAR,J.
	DATE : 15/04/2016

PC:

1. Heard Mr. Satyajeet Rajeshirke, learned Counsel for the applicants.
2. By this application under Section 115 of Code of Civil Procedure, 1908 (for short, 'CPC'), the applicants have challenged the judgment and order dated 1.2.2016 passed by learned 8th Jt. Civil Judge, Senior Division, Pune below Exhibit-52 in Special Civil Suit No.1442/2014. By that order, the learned trial Judge rejected the application made by the applicants under Order 7 Rule 11 of CPC and held that the suit is not barred by limitation. Learned trial Judge rejected the application mainly relying upon the

judgment and order dated 30.4.2014 passed below Exhibit-1. In paragraph-6 of that order, learned trial Judge dealt with the issue of limitation and held that the suit is not barred by limitation. As defendant Nos.1 to 3 did not challenge that order, it operates as *res judicata* in the present proceedings.

3. After arguing the application for quite some time, Mr. Rajeshirke seeks permission to withdraw this application with liberty to challenge the order dated 30.4.2014 as also order dated 1.2.2016 impugned in the present application.

4. On the motion made by Mr. Rajeshirke, application is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not expressed any opinion on the merits of the present case as also proposed proceedings. Order accordingly.

(R.G.KETKAR, J.)